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June 30, 2023

Via ECF

Honorable Taryn A. Merkl
United States Magistrate Judge for the Eastern
District of New York
225 Cadman Plaza E Rm 317N
Brooklyn, NY 11201

Re: Case 1:21-cv-01540 *Wilmington Trust, N.A. v. Segal*.

Dear Judge Merkl,

In compliance with the Court's directive on June 12, 2023, counsel for Wilmington Trust, N.A. ("Securities Intermediary") hereby files this status report advising the Court as to the status of the case and proposed next steps. As the Court is aware, John Hancock issued a partial payment on the death claim for the policies at issue, but has not remitted the full death benefits given its stated concern relating to the birthdate listed on the policy applications. As of today, \$2,943,168, plus interest, is still owed on the two policies at issue.

As discussed during the status conference with the Court earlier this month, Wilmington Trust took the deposition of Herman Segal on June 12, 2023. Notably, Mr. Segal did not bring any of the documents requested, claiming he had none. Mr. Segal also refused to provide information as to the individual who Mr. Segal claims could be in possession of some of the documents requested, assuming said individual has not destroyed the documents. As also mentioned during the status conference, Mr. Segal refused to answer any questions relating to his conversations with individuals at John Hancock.

During the status conference, Your Honor directed the parties to meet and confer regarding the parties' discovery disputes, which the parties did by telephone immediately after the status conference concluded. During the meet and confer, Mr. Segal insisted that he was truthful during his deposition and that he has no responsive documents to produce.¹

In an effort to expedite the process, Wilmington Trust has conducted additional searches and has been able to locate the following ancient documents under the Federal Rules of Evidence,

¹ Yet, Mr. Segal stated during the status conference that there are certain documents he does not intend to produce because of a "Fifth Amendment issue" claiming that there are "legal and practical justification[s] why those documents may not be available for production." Jun. 12, 2023 Hr'g Tr., attached as **Exhibit 1**, at 11:5-10; 13:20-24 ("unfortunately, we're talking here about potential criminal possibilities").

evidencing Lilly Segal's birthday as March 26, 1926 (consistent with the date stated on the application):

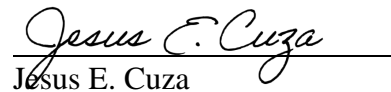
1. Petition for Naturalization, dated Feb. 5, 1948 (signed by Lenka Segal)
2. United States Naturalization Index Card, dated Feb. 23, 1954 (signed by Lenka Segal)
3. United States Department of Justice Marine Passenger Manifest, dated Jan. 22, 1948 (indicating Lilly Segal was 21 years old at the time)
4. Registration of German Persecutees (from 1948)

All of these documents clearly demonstrate that Lilly Segal was born on the date listed in the Policy applications. Wilmington Trust will be filing these documents with the Court under seal by separate notice of filing. In addition, Wilmington Trust has also served a Subpoena for documents on John Hancock in order to gather the documentation in its possession and the communications with Herman Segal (about which Mr. Segal refused to comment during his deposition). As soon as Wilmington Trust has receives the responsive documents from John Hancock, Wilmington Trust will be in a better position to determine the next steps to bring this case to closure. In particular, Wilmington Trust intends to present the mentioned ancient documents to John Hancock, which it hopes may result in the prompt payment of the remainder of the death benefits. To the extent John Hancock continues to refuse payment despite this evidence, Wilmington Trust intends to file a motion for summary judgment with the Court regarding the issue of Lilly Segal's age and, if necessary, join John Hancock in the action.

Importantly, Wilmington Trust's intent continues to be to bring this matter to closure as expeditiously as possible. Thank you.

Sincerely,

HOLLAND & KNIGHT LLP


Jesus E. Cuza